

Resolution Number: 29657

A RESOLUTION relating to the Cedar River Watershed, establishing goals for long-term management of the Watershed, acknowledging an Agreement in Principle for a Habitat Conservation Plan, directing the preparation of environmental and planning documents, implementing agreements, and financing options for action by the City Council, directing the preparation of amendments to the Secondary Use Policies contained in Ordinance 114632 and adopting schedules therefore.

Date introduced/referred: Nov 3, 1997

Date adopted: Nov 10, 1997

Status: ADOPTED

Vote: 7-0 (Excused: Chow, Donaldson)

Committee: Utilities and Environmental Management

Sponsor: PAGELER

Index Terms: STATING-POLICY, CEDAR-RIVER, WATERSHEDS, WATER-SUPPLY, ENVIRONMENTAL-PROTECTION, FORESTS

Text

Note to users: {- indicates start of text that has been amended out

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A RESOLUTION relating to the Cedar River Watershed, establishing goals for long-term management of the Watershed, acknowledging an Agreement in Principle for a Habitat Conservation Plan, directing the preparation of environmental and planning documents, implementing agreements, and financing options for action by the City Council, directing the preparation of amendments to the Secondary Use Policies contained in Ordinance 114632 and adopting schedules therefor:

WHEREAS, the City of Seattle has acquired ownership of the 90,000 acre Cedar River Watershed for the purpose of providing a water supply for the citizens of Seattle and neighboring communities and to ensure long-term protection of the purity of the water; and

WHEREAS, the City Council by Ordinance 114632 adopted on August 7, 1989, approved a set of policies for the use and management of the watershed - the Secondary Use Policies; and

WHEREAS, the Cedar River Municipal Watershed and the lower Cedar River are home to many species of fish and wildlife, some of which are listed as endangered or threatened under the Endangered Species Act; and

WHEREAS, on March 14, 1997, the City reached Agreement in Principle with five Federal and State agencies on major terms of a Habitat Conservation Plan (HCP) for the Cedar River Watershed which would establish the City's long-term commitments regarding watershed habitat protection and restoration and mitigation for impacts resulting from

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the presence and operation of certain City owned facilities, all in exchange for certain releases and settlement of various water resource management issues with the other parties; and

WHEREAS, the Agreement in Principle provides the basis for preparation of the HCP itself and for the environmental documents relating to it, and for conducting public workshops, presentations and other communication on the content of the Plan, all prior to final City decisions and submittal of the HCP to the U.S. Fish and Wildlife Service; and

WHEREAS, the Agreement in Principle further provides the basis for preparation of three formal agreements between the City and the other parties: an Instream Flow Agreement, a Mitigation Agreement for the fish blockage posed by the City's Landsburg Diversion Dam, and an HCP Implementation Agreement; and

WHEREAS, the Agreement in Principle sets forth a program of operating and capital improvements with a total direct cost of approximately \$70 million over the 50-year life of the HCP, and the City Council wishes to consider an option for financing the costs of the HCP from revenue sources other than water rate revenues; (Pageler)

WHEREAS, while nearly one hundred meetings and workshops have already been held to inform the public about the HCP, the City Council agrees that a full and comprehensive public review and debate of the issues inherent in this important Plan is warranted and commits to conduct such a comprehensive review of issues and reasonable alternatives before any final decisions are made for Plan implementation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR CONCURRING, THAT:

Section 1. The City Council adopts the following goals for management of the Cedar River Watershed.

The paramount goal is to maintain an abundant and pure drinking water supply for Seattle's water users.

The forest management goal is to develop, over the long-term, a structurally diverse, sustainable forest ecosystem that supports healthy populations of all native species of fish and wildlife, functions in an ecological manner and maintains biological diversity. (Raines)

The fish resources goal is to protect, enhance and assist in the restoration of Cedar River runs of steelhead trout, and coho, chinook and sockeye salmon.

The education goal is to provide a world-class model for how to care for the environment, protect wildlife while providing clean water and provide a unique setting for teaching children and all citizens about these values.

The stewardship goal is to ensure that the Cedar River Watershed

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continues to be an environmental and economic asset for the citizens of Seattle for the next hundred years.

Section 2. The Director of Seattle Public Utilities, in cooperation with Seattle City Light, is directed to prepare a Habitat Conservation Plan (HCP) for the Cedar River Watershed, together with analyses and documents to meet the requirements of the National and State Environmental Policy Acts (NEPA and SEPA), all based upon the Agreement in Principle signed on March 14, 1997, by representatives of the City, the United States Fish and Wildlife Service, the National Marine Fisheries Service, the U.S. Army Corps of Engineers, the Washington Department of Fish and Wildlife, and the Washington Department of Ecology, all collectively referred to as "the Parties." The analysis shall include a review of alternatives developed through public involvement and the scoping process.

The Habitat Conservation Plan Agreement in Principle includes the following elements and others set forth in Exhibit A "Potential Benefits of City of Seattle's Cedar River Watershed Habitat Conservation Plan (HCP):

A stream flow regime developed to both protect fish habitat and maintain the region's primary drinking water supply.

Construction of fish ladders, screens and other improvements to allow spawning coho, chinook and steelhead above the drinking water intake at Landsburg Dam without compromising drinking water quality.

Replacement or upgrading of the existing supplemental sockeye hatchery and ancillary facilities.

Seattle contribution of \$1.6 million to habitat restoration along the lower Cedar River downstream from Landsburg Dam.

Seattle contribution of \$1.9 million to fish passage improvements and fresh water conservation at the Hiram Chittenden locks.

Support by the Parties for use of dead storage in Chester Morse Lake for additional water supply and enhanced flows for fish, contingent on the results of environmental studies and renegotiation of the streamflow regime to reflect the additional supply.

Establishment of a permanent forest reserve of 64% of the watershed including all 14,000 acres of existing old-growth habitat.

Preservation of the entire Spotted Owl Critical Habitat Unit and protection of nesting habitat for marbled murrelet.

Removal and improvement of watershed roads to decrease sedimentation and replacement of culverts to improve fish passage.

Monitoring and studies of stream flow, habitat, and fish and wildlife populations to ensure the effectiveness of the plan.

Cooperative management through formal oversight and advisory

committees.

Commitment to overall funding exceeding \$70 million over the 50 year plan.

Section 3. The Director of Seattle Public Utilities, with the assistance of the Law Department, and in cooperation with the other Parties, is further directed to prepare an Instream Flow Agreement, a Mitigation Agreement for the fish blockage posed by the City's Landsburg Diversion Dam, and an HCP Implementation Agreement, all based upon the Agreement in Principle. The Director of Seattle Public Utilities and the Director of Intergovernmental Relations are urged to continue negotiations with the Muckleshoot Indian Tribe to resolve certain bilateral issues and to obtain the Tribe's signature on the Instream Flow Agreement and the Mitigation Agreement for the fish blockage.

Section 4. The Director of Seattle Public Utilities is directed to propose options for revisions to the Secondary Use Policies consistent with the Habitat Conservation Plan and addressing matters that may be beyond the scope of the HCP. Proposed revisions to the Secondary Use Policies should consider:

Establishing an ecological reserve comprising at least 64% of the watershed initially.

Setting goals for road decommissioning and net reduction in miles of roads in the watershed to decrease sedimentation and forest habitat fragmentation.

Reaffirming restrictions on recreational use and unsupervised access to the watershed.

Enhancement of educational and information programs through the development of a Cedar River Watershed Education Center.

Guarantee of low-impact timber harvest methods and no industrial clearcutting through clear forest practice prescriptions and annual review by an oversight committee that includes representatives of the public. (Pageler per Raines)

Restricting purposes for which timber revenues may be used and establishing a dedicated financial account.

Section 5. The Director of Seattle Public Utilities is further directed to prepare policy options and plans for financing the HCP, including options and plans for use of proceeds from sales of second growth timber presently dedicated by Ordinance 114632 for acquisition of watershed land and habitat, and for use of proceeds from the sale of properties excess to the needs of the Cedar River Watershed Land Exchange and declared surplus by Ordinance 116839. The Seattle City Council recognizes that if the final HCP financing policies rely upon timber and/or land sale proceeds and if a revenue stream from such sources must be developed to match HCP costs beginning in 1998, sufficient lead time must be provided for implementation. The

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properties listed in Exhibit B, "Properties Eligible for Disposition," are therefore declared to be eligible for disposition for purposes of activating the sale authority granted by Ordinance 116839, Section 5, provided, however, that the final terms of any competitive or negotiated sale and the dedication of net proceeds are subject to approval by resolution of the Seattle City Council.

Section 6. The Director of Seattle Public Utilities is further directed to continue to organize and conduct public workshops, presentations, hearings, or other communication strategies as appropriate to inform the public on the content of the HCP and its environmental impacts, the secondary Use Policy revisions, and the financing options, and to receive public comment prior to final City decisions.

Section 7. The list of tasks and completion dates set forth in Exhibit C, "Schedule for the Cedar River Watershed Habitat Conservation Plan and Secondary Use Policies," is hereby established as the schedule for the completion and approval of the HCP and the secondary use policies revisions. The Seattle City Council recognizes that completion of some listed tasks as planned depends in part on timely and favorable actions by non-City Parties and on expression of public interest.

Adopted by the City Council the ____ day of _____, 199719971997, and signed by me in open session in authentication of its adoption this ____ day of _____, 199719971997.

President of the City Council

THE MAYOR CONCURRING:

Norman B. Rice, Mayor

Filed by me this ____ day of _____, 199719971997.

City Clerk
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